THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.2896 OF 2006

ORAL ORDER:

This Writ Petition is filed aggrieved by the order dated 12.01.2006 passed by the respondent under Section 7B of the Employees" Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act").

Initially, by order dated 16.09.2005 passed under Section 7A of the Act, the respondent determined the liability of the petitioner-company under the provisions of the Act. Aggrieved by the same, petitioner-company preferred a review petition under Section 7B of the Act. The respondent rejected the same by order dated 12.01.2006 holding that no new facts were made out to examine the issue and to entertain the review petition. Accordingly, the petitioner was directed to remit a sum of Rs.3,42,436/- as determined under Section 7A of the Act. The said order is under challenge in this writ petition.

Heard the learned counsel for both the parties and perused the material on record.

Section 7B of the Act, which provides for review of the order passed under Section 7A, in clear terms provides that the order passed under Section 7A of the Act can be reviewed only where new and important matter has been discovered from the evidence which after exercise of due diligence was not within the knowledge or could not be produced when the order was made. The respondent having considered the grounds raised in the review petition held that no new facts were brought out by the petitioner to entertain the review petition. The said order does not suffer from any infirmity and therefore interference by this Court in exercise of the jurisdiction under Article 226 of the Constitution of India is not warranted. However, as pointed out by Sri R. N. Reddy, the learned Standing Counsel for the respondent, even after rejection of the review petition, it is always open to the petitioner to prefer an appeal under Section 7-I of the Act against the original order of determination made under Section 7A of the Act.

Accordingly, the writ petition is disposed of granting leave and liberty to the

petitioner to prefer an appeal against the order made under Section 7A of the Act within six weeks from today. If any such an appeal is preferred within the time indicated above, the same shall be entertained and appropriate orders be passed in accordance with law. It is also made clear that pending such appeal, no coercive steps shall be taken against the petitioner, subject to the condition that the petitioner deposits half of the amount determined under Section 7A of the Act, within a period of eight weeks from today.

The writ petition is accordingly, disposed of. No costs.

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(G. ROHINI, J.)

17th April, 2006.

Kgr

Issue CC in three days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.2896 OF 2006

18th April, 2006.

Between:

M/s Nagulapadu Cotton Pvt. Ltd.,

representd by its Director – Mr. K. Uma

Maheswara Rao, Nagulapadu,

Pedanandipadu Mandal, Guntur District. .. Petitioner.

And

Employees Provident Fund Organization, .. represented by its Regional Provident

Fund Commissioner-II, Regional Office,

Guntur, Guntur District. ..Respondent